

REMARKS

In the Final Office Action mailed May 2, 2008, claims 2-53 are pending in this application. Claims 2-12, 14-25, 27-38, 40-51, and 53 stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 5,629,733 ("Youman"). Claims 13, 26, 39, and 52 stand finally rejected under 35 U.S.C. § 103(a) over Youman in view of U. S. Patent Application Publication No. 2005/0157217 ("Hendricks"). Applicants amend claims 2, 15, 28, and 41 to more particularly define the claimed subject matter. No new matter has been added. Applicants respectfully traverse these rejections and request reconsideration in light of the following remarks.

The § 102 Rejection

According to the MPEP, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP 2131). Youman fails to teach each and every element of the amended independent claims.

The Examiner contends that Youman describes displaying a plurality of menu choices in FIGS. 5, 6, and 11 of Youman, which illustrate a FLIP, a BROWSE, and a MENU mode respectively. (See Office Action, page 3). On October 23, 2008, Mr. Christopher Carroll (Reg. No. 55,776) conferred with the Examiner. Applicants' representatives thank the Examiner for his time and for the courtesies extended during the interview. The Examiner agreed that an amendment that clarifies that applicants' menu choices are displayed simultaneously would overcome the rejection over Youman. Without concurring with the Examiner, and solely to advance prosecution of this application, applicants have amended the independent claims to clarify that the program guide menu simultaneously displays a plurality of menu choices corresponding to a plurality of display modes of the interactive program guide.

In responding to applicants' remarks filed on March 28, 2008, the Examiner stated that "[t]he claims are silent regarding showing all the display modes simultaneously." (See Office Action, page 2). Applicants wish to clarify that neither the pending claims nor the amended

claims require "showing all the display modes simultaneously," as implied by the Examiner's response. Rather, the menu displays a plurality of menu choices corresponding to a plurality of display modes of the interactive program guide. The display modes themselves need not be displayed simultaneously.

For at least the foregoing reasons, applicants request reconsideration and withdrawal of the § 102 rejection of amended independent claims 2, 15, 28, and 41. Claims 3-14, 16-27, 29-40, and 42-53 depend from independent claims 2, 15, 28, and 41 and add further features thereto. Applicants therefore requests reconsideration and withdrawal of the rejection of these claims for at least the same reasons.

The § 103 Rejection

Claims 13, 26, 39, and 52 stand finally rejected under 35 U.S.C. § 103(a) over Youman in view of Hendricks. These claims depend from independent claims 2, 15, 28, and 41 and add further features thereto. Applicants therefore requests reconsideration and withdrawal of the § 103 rejection of these claims for at least the same reasons.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response, other than what is reflected on the enclosed Amendment Transmittal. However, if an additional fee is due, please charge our Deposit Account No. 06-1075, under Order No. 003597-0001 from which the undersigned is authorized to draw.

Dated: October 31, 2008

Respectfully submitted,

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